

**TOWN BOARD MEETING**  
**WEDNESDAY, NOVEMBER 4, 2009; 7:00 P.M.**  
 NEW WINDSOR TOWN HALL  
 NEW WINDSOR, NEW YORK

**BOARD MEMBERS PRESENT:** Supervisor Green, Councilwoman Mullarkey, Councilwoman Weyant, Councilwoman Biasotti, Councilman Lundstrom

**OTHER OFFICIALS PRESENT:** Comptroller Finnegan, Town Attorney Blythe, Highway Superintendent Fay, Deputy Police Chief Hovey, Assessor Wiley

Supervisor Green called to order the Town Board meeting and presided over same.

**#1 On Agenda: Minutes**

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor approve the minutes of the Town Board meeting, held on October 7, 2009, as per the copies posted on the Town Clerk's bulletin board in the Town Hall, and same distributed to each of the Town Board members.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**UNFINISHED BUSINESS**

**HIGHWAY DEPARTMENT**

**# 2 On Agenda: Motion - Accept Dedication Of Road As Public Highway - Pin Oak Drive - Valley Fields Estates a/k/a Sawyer Subdivision (PB# 03-31)**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor accept the road known as Pin Oak Drive in the Town of New Windsor as a public highway and in accordance with such dedication:

- (1) File an Order of the Town Highway Superintendent; and
- (2) Authorize the execution of Town Board Consent with the Engineer's signature; and
- (3) Accept a Deed from Marjorie Sawyer (her successors and/or assigns), to the Town of New Windsor, which deed shall be without liens and taxes paid, accepted by the Town Board, and returned to the Attorney's office for recording in the Orange County Clerk's office, which deed provides for the conveyance of lands relative to the municipal highway known as Pin Oak Drive; and
- (4) Accept a Certificate and Report of Title (Title Insurance) in the amount of \$35,000 naming the Town of New Windsor as party insured, and the related Title Policy; and
- (5) Accept a Maintenance Bond, which amount represents ten (10%) percent of the original Performance Bond of \$859,289.00, as recommended by the Town Engineer. Said maintenance bond to cover all public improvements, including storm water detention ponds with anticipated dedication of same in Spring, 2010; and
- (6) In consideration of the receipt of the Maintenance Bond from the surety company, the present Performance Bond in the amount of \$110,952.00 shall be released from any liability under the Performance Bond; and
- (7) The Engineer for the Town and Chief Information Technology Officer are directed to add the highway to the Official Town Map; and
- (8) This resolution is subject to a closing to be held at the office of the Town Attorney at which time a Title Insurance Policy shall be tendered and the instruments taken for recording in the Orange County Clerk's office; and

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(9) Subject to complete electronic “as-builts” submitted in acceptable form to the Chief Information Technology Officer prior to closing.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**WATER DEPARTMENT**

**# 3 On Agenda:      Receive And File Notice Of Claim – New York City Water Board**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Notice of Claim in the matter of The New York City Water Board v. Town of New Windsor and the New Windsor Consolidated Water District for unpaid invoices for excess water consumption for the time period April 1, 2009 through May 1, 2009.

**SANITATION DEPARTMENT**

**GENERAL**

**# 4 On Agenda:      Motion – Authorization To Advertise For Sealed Bids –  
Used Town Vehicles**

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Town Clerk to advertise pursuant to law, calling for sealed bids for the sale of used town equipment. The bids to be received and publicly opened at 10:00 A.M. in the Town Clerk’s office in Town Hall, 555 Union Avenue, New Windsor, New York on the 25th day of November 2009. The Town Board reserves the right to reject any or all bids.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**# 5 On Agenda:      Receive And File Bids For Surplus Town Vehicles**

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk the bids for surplus town vehicles received and publicly opened on the 28<sup>th</sup> day of October 2009.

**# 6 On Agenda:      Motion – Award Bids – Surplus Town Vehicles**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor award Liberty Motors, 1705 Kennedy Blvd., Jersey City, New Jersey 07305 bids for the following surplus Town of New Windsor vehicles totaling \$7,167.92:

1994 Ford Suburban	VIN# 1FDKE30M9RHB65439
1996 Ford Crown Victoria	VIN# 2FALP74W7TX175552
1999 Ford Crown Victoria	VIN# 2FAFP71W5XX200357
2003 Ford Crown Victoria	VIN# 2FAFP71W73X140527
2003 Ford Crown Victoria	VIN# 2FAFP71WX3X140523
2003 Ford Crown Victoria	VIN# 2FAFP71W33X140525
1999 Ford Crown Victoria	VIN# 2FAFP71W4XX207770
2004 Ford Crown Victoria	VIN# 2FAHP71W64X136205

Payment shall be made by cash, certified check or bank check, made payable to the “Town of New Windsor.”

*Roll Call: All Ayes*

*Motion Carried: 5-0*

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**# 7 On Agenda:        Motion – Authorize Levying Of Unpaid Water/Sewer/Garbage Charges**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor adopt the following resolution:

**WHEREAS**, the Supervisor of the Town of New Windsor on October 29, 2009 transmitted to this Board a statement of unpaid water, sewer and Beaver Dam Garbage charges filed with the Town Clerk on October 29, 2009 containing a brief description of the property on which water, sewer and Beaver Dam Garbage charges are unpaid, and the names of persons or corporation liable to pay the same, and the amount chargeable to each;

**NOW BE IT RESOLVED**, that there be levied on the 2010 Tax Roll of the Town of New Windsor against the properties set forth in said statement, and the unpaid water, sewer and Beaver Dam Garbage charges so transmitted to the Board, and that the amount thereof be set forth as Unpaid Utilities on the 2010 Tax Roll for a total of \$489,358.95;

**BE IT FURTHER RESOLVED**, that the amount so levied shall be placed in the warrant of the County Legislature issued to the Tax Receiver of said Town in the same manner as general taxes are levied and collected, and shall be like lien as general taxes until the amount thereof is paid.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**# 8 On Agenda:        Receive And File Notice Of Claim - Michelle L. Kipp**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Notice of Claim in the matter of Michelle L. Kipp v. Town of New Windsor.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**# 9 On Agenda:        Receive And File Retirement Letter – Deputy Receiver Of Taxes**

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk, letter of retirement from Town of New Windsor Deputy Receiver of Taxes Michaele P. Curtis, effective December 11, 2009.

**# 10 On Agenda:       Motion – Authorize Execution Of Agreement – Nuisance Wildlife Control At New Windsor Landfill**

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Agreement between the Town of New Windsor and Richard Krol to provide nuisance wildlife control at the New Windsor Landfill for a cost not to exceed \$1,300.00. Said Agreement is effective from January 1, 2010 to December 31, 2010.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**# 11 On Agenda:       Motion – Authorize Execution Of Supplemental Developer’s Agreement – Patriot Bluff**

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the Supervisor to execute a Supplemental Developer’s Agreement between Town of New Windsor and RPA Associates, LLC for the Patriot Bluff project as recommended by the Town Attorney.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

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**# 12 On Agenda:      Motion – Authorization To Call Public Hearing – Special Use Permit – Mason’s Ridge Workforce Housing**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor hereby calls a Public Hearing to be held on December 2, 2009 at 555 Union Avenue, New Windsor, New York at 7:00 o’clock p.m. for a Special Use Permit for Workforce Housing adjacent to NYS Route 32 in the Town of New Windsor.  
*Roll Call: All Ayes* *Motion Carried: 5-0*

**# 13 On Agenda:      Motion – Authorization To Call Public Hearing – Proposed Amendments – Vehicle And Traffic Local Law**

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor call a Public Hearing to be held on December 2, 2009, at 7:00 p.m., in Town Hall, 555 Union Avenue, New Windsor, New York, and authorize the Town Clerk to advertise for same pursuant to law regarding the proposed changes to Chapter 280-8 of the Vehicle and Traffic Law of the Town of New Windsor entitled “No parking on certain streets” to create a no parking zone on Browning Road at or near the intersection with Union Avenue.  
*Roll Call: All Ayes* *Motion Carried: 5-0*

**# 14 On Agenda:      Motion – Amend Standard Schedule Of Fees**

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor hereby amends the 2009 Standard Schedule of Fees as follows and directs the Town Clerk to revise the Standard Schedule of Fees accordingly:

P.    Water Rates and Fees:

“Typical Residential MXU Installation Package (5/8" x 1/2" or 5/8" x 3/4" meter) Residential Water Meter and MXU Remote with 20 ft. of Wire and tail pieces” to \$275.00

*Roll Call: All Ayes* *Motion Carried: 5-0*

**# 15 On Agenda:      Receive And File Performance Bond – Red Roc Materials LLC**

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a Performance Bond #16032219, submitted by Red Roc Materials, LLC, in the amount of \$20,000.00, effective October 2, 2009 and expiring September 30, 2011. The purpose of the Performance Bond is to secure a permit from the Town of New Windsor to perform street openings within the Town. Same being referred to the Town Attorney and the Town Highway Superintendent.

**# 16 On Agenda:      Motion – Authorize Execution Of Amendment – First Columbia Ground Lease – 4 London Avenue**

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the Supervisor to execute an amendment to the First Columbia Ground Lease at 4 London Avenue for rent abatement for the benefit of the Orange County Business Accelerator.  
*Roll Call: All Ayes* *Motion Carried: 5-0*

**# 17 On Agenda:      Receive And File First Modification To Consent Decree – Consolidated Iron And Metal Superfund Site**

Hearing no objection, the Town Board of the Town of New Windsor receive and file First Modification to Consent Decree regarding Consolidated Iron and Metal Superfund Site.

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**# 18 On Agenda:      Officials Reports**

The following reports were received, recorded and filed with the Town Clerk:

Fire Prevention	Month of October 2009
Justice Noreen Calderin	Month of October 2009
Justice Richard W. Thorpe	Month of October 2009
Police Department	Month of October 2009
Recreation Department	Month of October 2009
Tax Receiver – Water – Sewer – Garbage	Month of October 2009
Town Clerk	Month of October 2009

**# 19 On Agenda:      Public Forum**

Supervisor Green opened the public forum portion of the meeting by asking if the Board had any comments.

Supervisor Green said that last month someone made some comments which upset him a bit and so he asked our assessor Todd Wiley here tonight to answer the allegations.

Todd Wiley said comments were made regarding the Windsor Crest Condominium project in that the speaker felt that acreage was missing from the assessment roll and the taxes were not what they should be.

Todd said that in New York State, condos benefit because they are not assessed in the same manner as any other property. An assessor has to ignore what a unit sells for and assume that a condo unit is being rented, market rents are assigned and an income capitalization approach is used, the end result being that people generally save anywhere from twenty to fifty percent on their property taxes when compared to a non-condo type property of the same market value. He said the tax maps and the assessment rolls for condominiums can be confusing. He handed out copies of the Windsor Crest tax maps to the Town Board and said the map shows what appears to be residual acreage up on the western side of the property, however it is all on the assessment roll. Each condo unit has an undivided interest in that land so there is no extra land that is not being assessed. The parcels in Phase 3 are all assessed the same at \$4,000 each regardless of whether the developer or a private individual owns it.

There was a statement made that the taxes paid by the developer on his thirty nine units is approximately \$7,500 - \$8,000 per year. That figure represents the town and county taxes only and does not include school taxes, the developer is actually paying approximately \$27,000 annually in taxes on 39 vacant lot condominium parcels. Again condominiums are valued differently than homes, they get a break. Condos are not valued as they would sell, but as they would sell as an apartment complex, condos have a cap as to how much they can be valued. He said he would be glad to answer any questions anyone has.

Supervisor Green said we are very fortunate to have Mr. Wiley who is recognized as probably one of the finest assessors in the State of New York.

William Steidle asked for clarification of item #11 on the agenda. The supervisor said the sewer layout in the original agreement was impractical and easements weren't obtainable, so the lines were rerouted which will also improve our sewer collection system.

Leo Braun said relating to item #13 on the agenda, he has a problem with parking near his home which he mentioned at the last meeting. He wanted to know when it was going to be addressed. Supervisor Green said that is the reason they called a public hearing for parking regulations on Browning Road. Lt. Faricellia went down and looked at the parking problems and came back with a recommendation that there be no parking permitted on that part of the road.

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Barney Bedetti said he had several questions relating to the budget. He wanted to know if the New York City fees which are the subject of a lawsuit are included in the budget. Supervisor Green said the excess water charges were included and are still subject to litigation. The supervisor said the amount in dispute was paid and he really isn't sure why this bill appeared again. Supervisor Green said that our usage bill is based on their usage and it is called per capita ratio - we are allowed to take so much out of the aqueduct at one rate and if we go over that amount, we pay an exorbitant amount for the excess water. Our water usage over the years has been going up, but New York City's usage has been going down mostly because of the numerous repairs they have made to their system which was costing them millions of gallons. That is one of the main things which is throwing us into a per capita ratio overage. Next year we will get the benefit of the census which our usage is based on.

Mr. Bedetti also wanted to know how much of our expenses are based on non-contractual expenses and what is the increase due to non contract items. Supervisor Green said our expenses are down, the expenses in the General Fund are down, in some areas substantially down. Supervisor Green said the approach he and the comptroller took to the budget this year was to decide what the important things were such as maintaining services and making sure the employees feel secure and are going home with a paycheck at the end of the day. He said he is in contract negotiations with the CSEA right now and they are being very reasonable, they understand what the financial situation facing the municipality is.

Mr. Bedetti wanted to know how we compare to 2009 relative to expenses. Supervisor Green said that expenses are down, and have been cut more for 2010. The comptroller said sales tax is down by about \$200,000; estimated mortgage taxes will be down by about \$100,000 and there are some grants that we will probably lose money on. Supervisor Green said that municipalities depend on increased assessments which is why good growth is encouraged, this year growth is down to about .25%, which is practically non-existent. When things are looking good, the town is looking at about 4.30% every year and he feels that as bad as this year is, next year will be worse.

Mr. Bedetti congratulated all the candidates who were reelected in the recent election.

Hearing no one else wishing to speak, Supervisor entertained a motion to close the public forum.

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor close the Public Forum portion of the meeting.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

**# 20 On Agenda: Adjourn**

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor adjourn the Town Board meeting at 7:50 p.m.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

Respectfully submitted,

**DEBORAH GREEN**  
TOWN CLERK

/clc